M.R. O. 1.—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 865 Press ~~Mis.~~

35-36

Dated 4 — 3 — ~~19~~ 1862

869

Not to be folded or roughly handled

No. 35. Read the following letter from C. F. CHAMIER, Esq., Registrar of the Sudder Court; to the Honorable T. PYCROFT, Chief Secretary to Government, Fort Saint George, dated 18th February 1862, No. 20.

1. I am directed by the Judges to request that you will bring under the consideration of Government the following circumstances in connection with the periodical adjournment of the Courts.

Regulation III of 1816.

"Section III. The Courts of Sudder and Foujdary Adawlut are hereby empowered to permit, from time to time, the Judges of the Civil and Criminal Courts under the Presidency of Fort Saint George, to adjourn their respective Courts, and in like manner themselves to adjourn; so that such occasional adjournments of any Court shall not collectively exceed two months in each year."

2. Section III, Regulation III of 1816, provides for both the Civil and Criminal sides of the Courts being closed. The adjournment would thus be a period of complete relaxation; and, in a department where the influx of business is so unceasing, the life so sedentary, and the duties and functions of so anxious a nature, such relaxation would certainly appear to be necessary.

3. It has been considered expedient, however, for many years past, to keep open the Criminal side of each Court, with a view to obviate the inconvenience which would have been entailed upon prosecutors and witnesses, if they had been required to remain at the Zillah Station till the close of the adjournment; the system which has hitherto prevailed having necessitated that all persons able to give evidence in the case should be sent to Court at the same time as the persons committed for trial.

4. The Government were pleased, by orders dated 29th April 1856 and 6th May 1859, to permit Judicial Officers to leave their Stations during the adjournment of the Civil side of their Courts, provided they could arrange that no delay should occur in taking up Criminal cases, when such were sent up by the Magistracy.

5. This permission has doubtless, in some few districts where the Criminal work of the Court was very light, enabled the Judge to seek a change; but the beneficial effects of the arrangement have been least felt where they were most needed, Officers presiding over Courts with much business on the Criminal side having been generally prevented from leaving their stations at all during the adjournment. Indeed four or five cases, committed at intervals of a week or ten days, were sufficient to prevent the Judge from availing himself of the privilege in question.

6. It appears to the Judges that under the system of committing cases to Court introduced by the Code of Criminal Procedure, an opportunity is afforded of allowing Judicial Officers a complete vacation during the adjournment of their Courts. By Section 213 bail is required to be taken in every case in which the accused is charged with a bailable offence; and, in the case of unbailable offences, the prisoner alone is, under Section 226, to be "sent" to Court, while the prosecutor and witnesses are, by Section 232, merely required to enter into personal recognizances to attend on any day fixed for the trial. There would thus be no difficulty in arranging for such cases coming on after the adjournment.

7. On a proposition from the Session Judge of Madura that Criminal Sessions should be held at stated periods, instead of from day to day, the Judges have expressed an opinion that such a course would be in accordance with the expectations of the legislature, as apparent from Sections 336 and 341 of the Code of Criminal Procedure; and, as a measure of great public convenience (to Assessors, Jurors, Prosecutors, and witnesses,) they have resolved to enjoin it upon all the Courts. The adjournment proposed would merely be a more prolonged extension of the time occurring at that season between the ordinary Sessions.

8. The suspension of Criminal business in the Courts of Sessions would bring corresponding relief to the Judges of the Sudder Court, two of whom have hitherto been under the necessity of holding Court occasionally during the adjournment, for the purpose of disposing of Criminal cases.

Proceedings of the Madras Government, Judicial Department,
4th March 1862.

9. The District Moonsiffs have not hitherto been allowed to adjourn their Courts, but the Judges think that these Officers likewise require some relaxation, and that it would be advisable that their Courts should be closed for one month in every year.

10. With regard to the charge of the Jail at stations where there is neither a Subordinate Judge nor a Principal Sudder Ameen, as well as at others, if all the Judicial Officers desire to leave the station during the adjournment, they think that the Judge might be allowed to make arrangements upon his own responsibility for the temporary supervision of the Jail during his absence.

11. Under the Regulation quoted in paragraph 2 of this letter the power of authorizing adjournments is vested in the Sudder Court; but as no public Officer can leave his station without express permission, the Judges direct me to submit the following propositions for the approval of Government.

First,—That the Criminal, as well as the Civil, side of the Courts be in future closed during the periodical adjournments.

Secondly,—That Judicial Officers be allowed to leave their stations during the adjournment without loss of allowances.

No. 36. ORDER THEREON, 4th March 1862, No. 365.

First,—That the Criminal, as well as the Civil, side of the Courts be in future closed during the periodical adjournments.

Secondly,—That Judicial Officers be allowed to leave their Stations during the adjournments without loss of allowances.

The Government assent to the two propositions put forward by the Judges as quoted in the margin.

2. At present Judicial Officers are allowed to be absent during the adjournment of their Courts, so long as there is no delay occasioned in the trial of Criminal cases, and as the arrangements introduced by the new Criminal Procedure Code admit of a short postponement of cases, the Government can see no objection to the extension of the ruling which permits Judges to be absent from their Stations on the occasions in question.

3. The remark made in paragraph 5 of the Sudder's letter is most correct. It is the Judges in the heaviest Courts, those who need relaxation the most, who now obtain the least.

4. The Government are of opinion that the District Moonsiffs' Courts should, as well as the Civil Courts, be adjourned. By granting the Moonsiffs this indulgence for one month in the year, the Government do not think that the number of their decisions in the year would be decreased. The Judges of the Sudder Court in communicating to the District Moonsiffs the concession now allowed, will intimate to them that such is expected of them.

5. The Judges will be pleased to forward to Government for insertion in the Fort Saint George Gazette a Circular Order announcing the indulgence now granted and the terms on which it is given.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

work of the Court was very light, enabled the Judge to seek a change; but the beneficial effects of the arrangement have been least felt where they were most needed, officers presiding over Courts with much business on the criminal side having been generally prevented from leaving their stations at all during the adjournment. Indeed four or five cases, committed at intervals of a week or ten days, were sufficient to prevent the Judge from availing himself of the privilege in question.

5. It appears to the Judges that under the system of committing cases to Court introduced by the Code of Criminal Procedure, an opportunity is afforded of allowing Judicial Officers a complete vacation during the adjournment of their Courts. By Section 213 bail is required to be taken in every case in which the accused is charged with a bailable offence; and, in the case of unbailable offences, the prisoner alone is, under Section 226, to be sent to Court, while

the prosecutor and witnesses are, by section 232, merely required to enter into personal recognizances to attend on any day fixed for the trial. There would thus be no difficulty in arranging for such cases coming on after the adjournment.

7. On a proposition from the Sessions Judge of Madura that criminal sessions should be held at stated periods, instead of from day to day, the Judges have expressed an opinion that such a course would be in accordance with the expectations of the legislature, as apparent from sections 335 and 341 of the Code of Criminal Procedure; and, as a measure of great public convenience (to Assessors, Jurors, Prosecutors, and witnesses) they have resolved to rejoin it upon all the Courts. The adjournment proposed would merely be a more prolonged extension of the time occurring at that season between the ordinary sessions.

8. The suspension of Criminal business in the Courts of Sessions would bring corresponding relief to the Judges of the Subdor Court, two of whom have hitherto been under the necessity of holding Court occasionally during the adjournment, for the purpose of disposing of Criminal cases.

9. The District Moonsiffs have not hitherto been allowed to adjourn their Courts, but the Judges think that these officers likewise require some relaxation, and that it would be advisable that their Courts should be closed for one month in every year.

10. With regard to the charge of the Jail at stations where there is neither a Subordinate Judge nor a Principal Sudder Ameen, as well as at others if all the Judicial officers desire to have the station during the adjournment, they think that the Judge might be allowed to make arrangements upon his own responsibility for the temporary supervision of the Jail during his absence.

11. Under the regulation quoted in para 2 of this letter the power of

authorizing adjournments is vested in the Sudder Court; but as no public officer can leave his station without express permission, the Judges direct me to submit the following propositions for the approval of Government.

First, that the Criminal, as well as the Civil, side of the Courts be in future closed during the periodical adjournments.

Secondly, that Judicial officers be allowed to leave their stations during the adjournment without loss of allowances.

I have the honor to be
Sir,
Your most obedient servant

Sudder Court
Registrar's Office
18th February, 1862

C. J. Chamier.
Registrar

Session Case Files

Judicial Department.

No. 320

From The Registrar of the Sudr Court-
Dated 18th February 1862

For Orders-

Please see the Speakers
Certificate to the two
Petitioners-Just to
hand-by the Dawk-

Now Judicial Officers
are allowed to be absent
during the Government
pleasure-so long as there
is no delay or detriment in
the Trial of Criminal Cases
& if so

Cancelled-
Memo taken by
Mr Mackintosh
MW

Rec'd 7th March
Judicial 1862 Dept.

Sudder Court
Judicial Department
Feby 18th 1862

Sudder Court
Judicial Department
Feby 18th 1862

From the Registrar
of the Sudder Court
To the Chief Secretary
to Government.

No. 365

Dated 18th February 1862

Received 19th Feby 1862

Feby 18/62

No. 320

Requesting the Speakers
Certificate to the two
Petitioners-just to hand-
by the Dawk-

Now Judicial Officers
are allowed to be absent
during the pleasure of Government
so long as there is no delay or detriment
in the Trial of Criminal Cases-

35

arrangements which
have the law authorized
heretofore admit of a
different form of proceeding
in Court for the purpose
of obtaining a
writ to the aforesaid Justices
of the Peace and Constables
of the Town of Hartford
to return the reasons in their return
of the precept made in pursuance
of the Statute which is entitled
"An Act for the more
speedy recovery of small debts"
from which the Court
have thought proper
to grant

Superior Court Hartford
County Thereof as also
of the Circuit Courts be
adjourned - by Grand
Jury be summoned for their
independent Grand
Inquest for their
Sessions in the Town
now next be
Created - The Justices
of the Quorum
Sheriff be
appointed to Summon
to Appear - Sent Tuesday
Next Ensuing
Hall

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Judges of the Sudder Court -

(Here enter 18th February 1862 No. 20.)

" March 1862 - No. 365.

Order thereon 4 " ~~February~~

The Government assent to the two propositions put forward by the Judges as quoted in the Margin. —

1st Prob. That the criminal, as well as the Civil, side of the Court be in future closed during the periodical adjournments -

Secondly. That Judicial officers be allowed to leave their stations during the adjournment without loss of allowances. —

2 No present Judicial officers are allowed to be absent during the adjournments of their Courts, so long as there is no delay occasioned in the trial of criminal Cases, and as the arrangements introduced by

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new Criminal Procedure Code admit of a short= postponement of cases, the Government can see no objection to the exten= sion of the ruling which permits Judges to be absent from their Stations on the occasions in question.—

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5 The Judges will be pleased to forward to Government for insertion in the Fort St. George Gazette a Circular Order announcing the indulgence now granted and the terms on which it is given.—

The Sudder Court - 3 } Dated 24th
" Civil Paymaster 3 }
5

11 C. 240

Pros of Marah

vs

Judicial 1862. Department.

No. 365.

PROCEEDINGS of GOVERNMENT.

F.C. 483.
" 1628.

Dated 4th March 1862

Are of opinion that the District Moonsiffs' Courts should, as well as the Civil Courts be adjourned.